



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ORANGEBURG DIVISION

MELODIE SHULER,	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action No. 5:19-00088-MGL
	§	
MICHAEL LAWRENCE, <i>in his</i>	§	
<i>individual and official capacity</i> , and JOHN	§	
STUKE, <i>in his individual and official capacity</i> ,	§	
Defendants.	§	
	§	

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**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
AND GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

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Plaintiff Melodie Shuler (Shuler), proceeding pro se, filed this civil rights action against Defendants Michael Lawrence and John Stuke (collectively, Defendants) under 42 U.S.C. §§ 1983 and 1985, as well as a number of state-law causes of action. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Defendants' motion for summary judgment be granted and Shuler's motion for summary judgment be denied. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of those portions of the Report to which specific objection is

made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on March 11, 2020. On March 12, 2020, the Clerk mailed a copy of the Report to Shuler. On March 24, 2019, however, the Post Office returned Shuler's copy of the Report to the Clerk marked: "RETURN TO SENDER[.] ATTEMPTED – NOT KNOWN[.] UNABLE TO FORWARD[.]"

As such, Shuler has neglected to file any objections to the Report. "[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court Defendants' motion for summary judgment is **GRANTED** and Shuler's motion for summary judgment is **DENIED**.

**IT IS SO ORDERED.**

Signed this 22nd day of April 2020 in Columbia, South Carolina.

s/ Mary Geiger Lewis  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.